

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
January 29, 2025
LAURA A. AUSTIN, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**JAMES CALVIN ROBERTSON,
Plaintiff,**

Civil Action No. 7:24-cv-00726

v.

MEMORANDUM OPINION

**CARLOS R. IBANEZ, DDS,
Defendant(s).**

**By: Michael F. Urbanski
Senior United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. Plaintiff did not prepay the filing costs or submit the information required to proceed in forma pauperis under 28 U.S.C. § 1915(b) in this court to pay the filing fee through installments from plaintiff's trust account. By order entered December 18, 2024, the court directed plaintiff to submit within 30 days from the date of the order the consent to withholding of filing fee form in order to complete the application to proceed without the prepayment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions and has not qualified to proceed in forma pauperis under § 1915(b). Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTERED: This 28th day of January, 2025.

A handwritten signature in blue ink, appearing to read 'Mike Urbanski', is positioned to the left of the printed name and title.

Mike Urbanski Senior
U.S.District Judge
2025.01.28 14:05:26 -05'00'

Senior United States District Judge